

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THE PROCTER & GAMBLE COMPANY,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-CV-940-JJF
)	
TEVA PHARMACEUTICALS USA, INC.,)	
)	
Defendant.)	

JOINT REQUEST FOR ENTRY OF JUDGMENT AND STIPULATION

Plaintiff The Procter & Gamble Company (“Procter & Gamble”) and Defendant Teva Pharmaceuticals USA, Inc. (“Teva USA”) request entry of judgment in this case based on the opinion dated February 28, 2008.

In support of this request, Procter & Gamble and Teva USA state as follows:

1. On November 6-8, 2006, this Court held a trial on the merits in this action.
2. Before trial, Teva USA stipulated for purposes of that litigation that the commercial marketing of its products at issue would infringe claims 4, 16, and 23 of U.S. Patent No. 5,583,122 (the “‘122 Patent”) if those claims were valid. As a result, the sole issue litigated during that trial was the validity of those claims.
3. In its February 28, 2008 opinion, the Court held that claims 4, 16 and 23 of the ‘122 Patent are valid.
4. On March 13, 2008, Procter & Gamble submitted a Request for Entry of Proposed Order of Final Judgment. On March 20, 2008, Teva USA filed a Response to Procter & Gamble’s Request. On March 27, 2008, Procter & Gamble filed a Reply.
5. The parties have now agreed on a form of judgment, which is attached hereto as Exhibit A.

6. The parties agree that the Court may immediately enter a judgment in this case in the form of Exhibit A.

7. Procter & Gamble hereby withdraws its Request for Entry of Proposed Order of Final Judgment in this action dated March 13, 2008, and Teva USA hereby withdraws its Response dated March 20, 2008.

For these reasons, Procter & Gamble and Teva USA respectfully request that the Court enter judgment in this action in accordance with the foregoing.

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